

ASSEMBLY BILL

No. 2098

Introduced by Assembly Member Jones

February 23, 2012

An act to amend Section 2006 of the Streets and Highways Code, relating to county roads.

LEGISLATIVE COUNSEL'S DIGEST

AB 2098, as introduced, Jones. County road commissioners.

Existing law provides for the appointment of a road commissioner in each county by the board of supervisors, with specified powers and duties relating to county roads. Existing law provides for exceptions to this requirement in cases in which the duties of the road commissioner have been transferred by the board of supervisors to the county director of transportation or another authorized person.

This bill would make nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2006 of the Streets and Highways Code
- 2 is amended to read:
- 3 2006. (a) ~~The~~ *Except as otherwise provided in this chapter,*
- 4 *the* board of supervisors of each county shall appoint a single road
- 5 commissioner for all road districts in the county. Every person
- 6 who is appointed road commissioner after December 31, 1965,
- 7 shall be a registered civil engineer. However, the City and County
- 8 of San Francisco may appoint a person road commissioner who is

1 not a registered civil engineer. Any person appointed road
2 commissioner on or before December 31, 1965, need not be a
3 registered civil engineer if he or she is approved by the board of
4 supervisors as qualified and competent to handle the road and
5 highway work of the county. Any person who is a road
6 commissioner in any county on December 31, 1965, need not be
7 a registered civil engineer to be appointed road commissioner of
8 another county after December 31, 1965. After October 1, 1952,
9 no person shall be appointed road commissioner until the board
10 of supervisors holds a public hearing on the qualifications of the
11 candidate or candidates for the position of road commissioner. At
12 least 14 days but not more than 30 days prior to the hearing, notice
13 of the hearing shall be posted at the county courthouse and
14 published at least once in a newspaper of general circulation in
15 the county. Nothing in this section precludes one person from
16 serving two or more counties. An elective county official shall not
17 be appointed road commissioner after October 1, 1952, unless the
18 official is holding the position of road commissioner on that date.
19 The road commissioner is, at all times, under the direction and
20 supervision of the board of supervisors but may be dismissed, after
21 a hearing, only upon a majority vote of the board. This subdivision
22 does not apply in chartered counties whose charter requires the
23 county surveyor to perform the duties of, or exercise the powers
24 conferred by law on, the road commissioner.

25 (b) Each county shall furnish evidence to the Controller that it
26 has complied with this section.

27 (c) Neither the Controller nor any other state officer shall make
28 any allocations or payments to any county from the Highway Users
29 Tax Account in the Transportation Tax Fund until the county has
30 complied with the requirements of this section; except that, if a
31 vacancy occurs in the office of road commissioner of a county,
32 the allocations or payments to the county shall not be suspended
33 pursuant to this section unless the county has not appointed a new
34 road commissioner in accordance with this section within 180 days
35 from the date the vacancy first occurred.

36 (d) The 180-day time limit is contingent on the condition that
37 there be a qualified acting road commissioner functioning during

1 the interim period under direct appointment by the board of
2 supervisors.

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